IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1272 of 1999

For Approval and Signature:

HON'BLE MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

V B MANIAR

Versus

CHAIRMAN

Appearance:

1. Special Civil Application No. 1272 of 1999

MR RC JANI for Petitioner No. 1-2

MR DEEPAK M SHAH for Respondent No. 1

NOTICE SERVED BY DS for Respondent No. 2-7

CORAM : HON'BLE MR.JUSTICE H.K.RATHOD

Date of decision: 27/08/2003

ORAL JUDGEMENT

Heard learned advocate Mr. Jani for the petitioner and Mr. Shah for the respondents. In this petition, the petitioner has challenged the denial of promotion. Learned advocate Mr. Shah appearing for the respondent has submitted that subsequent to the petition filed by the petitioner, three occasions had arisen to

consider the case of the petitioners for promotion and on all three occasions, case of the petitioners were considered for promotion but petitioner no.1 remained absent at the relevant time; petitioner no. 2 was not found fit for promotion and petitioner no.3 was promoted by the respondents. He also submits that in future, as and when the occasion will arise about the promotion of the petitioners, the respondents will certainly reconsider the cases of the remaining petitioners for promotion while keeping in view the existing promotion policy and the respondents will on such occasion in future, will reconsider the case of the remaining petitioners for promotion as per the existing policy of promotion and will take appropriate decision independently without keeping in mind that earlier petition was filed by the petitioners before this court.

In view of this statement made by the learned advocate Mr. Shah on behalf of the respondents, the respondents are directed to reconsider the case of the petitioners as and when the occasion for promotion arise in future in accordance with the existing promotion policy of the respondents provided that the petitioners apply for the respective post before the respondents and to take appropriate decision independently and without keeping in mind that the petition was filed by the petitioners before this court.

With these observations and directions, this petition is disposed of. Rule is discharged. Interim relief, if any, shall stand vacated.

(H.K. Rathod,J.)